



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,371	03/25/2004	Von Friedrich C. Paterro	102901	4729
25944	7590	08/24/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER GARTENBERG, EHUD	
			ART UNIT	PAPER NUMBER
			3746	
DATE MAILED: 08/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Tath

Office Action Summary

Application No.

10/808,371

Applicant(s)

PATERRO, VON FRIEDRICH C.

Examiner

Ehud Gartenberg

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 4-5 and 11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species of Fig. 4, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/8/2005.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the disclosed invention is inoperative and therefore lacks utility.

The claimed invention claims in each one of the independent claims "a plurality of individual quantum jet turbine engines, each comprising a generally sealed housing that encompasses all but an exit orifice of the engine." This critical feature to the practice of the invention is also shown at least in Figures 1 and 4 (Fig. 4 being the elected species), and paragraph 0023 and 0024 of the description make it clear that Applicant envisaged a generally tightly sealed housing having but the smallest orifice for the introduction of the compressed air. This invention violates that natural law of conservation of mass. Mass cannot be created nor destroyed. Because the propellant of the invention is mainly air, the inlet to the engine must have roughly the same area as the exit orifice, and therefore providing the claimed invention with only an exit orifice renders the claimed invention inoperative.

In paragraph 0031, on ll. 2-3, Applicant discloses that in section 510 the gases exiting the combustion chamber "further expand and develop high pressure and temperature". Because area 510 is geometrically converging, the gases there would accelerate and therefore the pressure will decrease. Furthermore no high temperature can develop in that area because no additional heat is added. If anything, the temperature will drop because of the fluid's acceleration.

In paragraph 0032, Applicant discloses that:

"The compound exhaust system works by careful control of the kinetic forces acting on the exhaust gases. The gas molecules traveling from the combustion chambers into the first stage of the compound exhaust system at a high speed become abruptly stopped at the top surface of the first stage of the exhaust, where it is known from conservation of energy that the kinetic energy becomes transferred into heat. At this time, the orderly motion of the high speed molecules becomes chaotic, and in an instant the molecules again regroup and move upward, pushing the incoming gases by reactionary forces. Upon being pushed back by stronger gases coming from the exhaust, the gas molecules further regroup and exit toward the high speed jet nozzles of the exhaust system into the second stage of the exhaust system, where the movement pattern is repeated until the gases reach the third stage where the movement is repeated a third time until gases finally exit the exhaust chamber."

In this regard it is noted that: 1) "The gas molecules traveling from the combustion chambers into the first stage of the compound exhaust system at a high speed become abruptly stopped at the top surface of the first stage...." If anything, the gas molecules

Art Unit: 3746

that are "abruptly stopped at the top surface of the first stage" would travel at a LOW SPEED, because of the divergence of area 620; 2) The following phenomenon "At this time, the orderly motion of the high speed molecules becomes chaotic, and in an instant the molecules again regroup and move upward, pushing the incoming gases by reactionary forces. Upon being pushed back by stronger gases coming from the exhaust, the gas molecules further regroup ... " and in particular the step that "in an instant the molecules again regroup and move upward, pushing the incoming gases by reactionary forces. Upon being pushed back by stronger gases coming from the exhaust, the gas molecules further regroup" does not occur, and it is not known from fluid mechanics as they are currently understood. It is not clear what is this phenomenon "pushing the incoming gases by reactionary forces". Furthermore, "the movement pattern is repeated until the gases reach the third stage where the movement is repeated a third time until gases finally exit the exhaust chamber" does not occur, and if anything, the three stages 710, 720 and 730 have a dissipative effect on the flow in terms of both momentum and energy.

2. Pursuant to 35USC114 and 37CFR1.91(b), The Patent and Trademark Office is authorized to require a working model of an invention for which patent protection is sought. Because of the basic question of operability in this case, it is deemed appropriate to invoke that authority. Consequently, in order to overcome the above rejection, Applicant is required to demonstrate the operability of his invention by way of a working model.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-3, 6-10, 12-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has failed to disclose his invention in a manner to satisfy the enablement requirement, to the extent that one of ordinary skill in the art would know how to make and use the claimed invention, e.g., see the examples given above in the rejection under 35USC 101. Applicant is hereby informed that any attempt to remove from, or modify in the description any teachings in order to get around the rejections under 35USC 101 and 112, 1st paragraph, will not be permitted, in order to preserve the original inventive concept as filed.

Conclusion

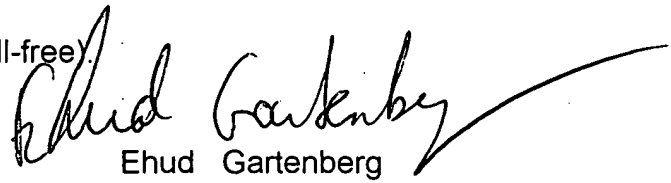
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paterro 6367739, Faulkner 5341640.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ehud Gartenberg whose telephone number is 571 272 4828. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3746

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe can be reached on 571 272 4444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ehud Gartenberg
Primary Examiner
Art Unit 3746

08212005